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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,386

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Ken Yamashita

2006-0911A

2821

52349

7590

01/04/2010

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EXAMINER

ZAHR, ASHRAF A

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,386	<b>Applicant(s)</b> YAMASHITA ET AL.	
	<b>Examiner</b> ASHRAF ZAHR	<b>Art Unit</b> 2175	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/23/2009 has been entered.

### ***Response to Arguments***

#### ***35 USC § 101***

2. Applicant's amendments to the claims appear to render the claims statutory subject matter. Therefore, this rejection is withdrawn.

#### ***35 USC § 103***

3. Applicant's arguments with respect to claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Neill et al, US 7,012,612 (Hereinafter, O'Neill).

**Regarding Claim 19**, O'Neill discloses "a display screen management apparatus for controlling a screen resource that is required to display a screen on a display, the display screen management apparatus comprising: a processor" (col 4, ln 12-22).

O'Neill also discloses "an instruction section receiving an instruction to switch a screen currently displayed on the display to another screen". Specifically, a new image is meant to be displayed on the computer (col 7, ln 50-55)

O'Neill also discloses "and a screen control section for, when (i) it is determined that the currently displayed screen is completely hidden by another screen". Specifically, a window background area is completely covered, i.e. the area that has a new image over it is completely covered (col 5, ln 53-55).

O'Neill also discloses "and (ii) an attribute of the currently displayed screen indicates that the currently displayed screen is in a resident state indicating that the screen resource of the currently displayed screen is to invariably remain in a generated state". Specifically, the quality rating (col 10, ln 40-50).

O'Neill also discloses "displaying, using the processor, the another screen on the display without discarding the screen resource of the currently displayed screen". Specifically, the image is cached and the maintained in the cache (col 10, ln 49-55).

**Regarding Claim 20**, O'Neill also discloses "the display screen management apparatus according to claim 19, wherein, when the attribute of the currently displayed screen does not indicates that the currently displayed screen is in the resident state, and when a display time, from when the another screen is displayed on the display to when the another screen is in to a non-displayed state, is shorter than a predetermined time, the screen control section does not discard the screen resource of the currently displayed screen". Specifically, the quality rating is based on number of times the image is displayed and when it was last used (col 10, ln 44-50).

**Regarding Claim 21**, O'Neill also discloses "the display screen management apparatus according to claim 19, wherein, when it is determined that the currently displayed screen is completely hidden by the another screen and when it is determined that by causing at least a portion of the another screen to be transparent, the currently displayed screen is not hidden by the another screen, the screen control section displays the another screen on the display without discarding the screen resource of the currently displayed screen". Specifically, the image would still be visible and thus not discarded in this invention (col 5, ln 53-55).

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**Regarding Claim 22**, this claim is substantially similar to claim 19 and is therefore rejected based upon the same reasoning used to reject claim 19.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 12/29/09

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Primary Examiner, Art Unit 2173